IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 22ND AUGUST 2007 / 31ST SRAVANA 1929

WP(C).No. 24927 of 2007(P)

PETITIONER:

STANLY PIGAREZ, HEADMASTER,
ST.ANTONY'S PRIMARY SCHOOL, VALLOORPAROLM
AGED 46 YEARS, S/O.JOSEPH PIGAREZ,
PATHISSERY HOUSE, ARIPALAM P.O., THRISSUR DISTRICT

BY ADV. SRI.V.M.KRISHNAKUMAR
SMT.P.A.ANITHA

RESPONDENTS:

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1. DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM.

2. ADDITIONAL DIRECTOR OF PUBLIC
INSTRUCTIONS (GENERAL), THIRUVANANTHAPURAM.

3. CENTRAL BOARD OF ANGLO INDIAN EDUCATION
REPRESENTED BY ITS CHAIRMAN, PERUMANOOR P.O.,
KOCHI-15.

BY GOVT. PLEADER SMT. SUDHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. BASHEER, J.

W.P.(C). NO. 24927 OF 2007

Dated this the 22nd day of August, 2007

J U D G M E N T

Having heard learned counsel for the petitioner and the learned Government Pleader and having perused Ext.P2 order, I am satisfied that there is considerable force in the contention raised by the petitioner that the impugned order cannot be sustained.

2. It is seen from the said order that the Government has placed the petitioner under suspension by invoking the power conferred under Section 12A (2) of the Kerala Education Act "pending enquiry and disciplinary action". The order does not reveal as to whether the Government had, before exercising the power under sub section (1), intimated the manager regarding the circumstances requiring disciplinary action against the petitioner and also whether any reasonable opportunity had been given to the manager to take such action against him. Thus, there is clear violation of the provisions contained in Section 12A (2). For that sole reason, Ext.P2 is liable to be quashed. I do so.

However, it is made clear that it will be open to the Government to take appropriate action against the petitioner, if so advised, in conformity with the provisions contained under the Kerala Education Act and the Rules as is permissible under law.

The writ petition is disposed of as above.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007